IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1648 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/09/2004 in WVMP 2079/2004 in WP No : 8890 OF 2004 on the file of the High Court.)

Between:

The Controller of Examination, Jawaharlal Nehru Technological University (JNTU), Kukatpally, Hyderabad.

..... APPELLANT

AND

1 B.Sravan Chakravarthy, S/o.B.Ashok Chakaravarthy,
R/o.A.V.Bheema's Baker's Opp: Global Trust Bank,
Ashok Nagar, Hyderabad.
2 I.G.Krishna, S/o.I.Radha Krishna,
R/o.H.No.6-3-609/122/303/S. Anand Nagar,
Khairatabad, Hyderabad.
3 B.Raja Sekhar Reddy, S/o.B.Venkateswar Reddy,
R/o.plot No.66, Pragathi Nagar,
Near A.S.Rao Nagar (E.C.I.L.Post), Hyderabad.
4 P.Sri Harisha Vardhan, S/o.P.Rajeshwar Rao,
R/o.F.No.411, Devigardens Apartments, Street No.8,
Habsiguda, Hyderabad.
5 The Principal, Mannan Institute of Science & Technology,
Aloor Village, Chevella Mandal, R.R.District.

.....RESPONDENTS

Counsel for the Appellant: M/S.C.KODANDA RAM

Counsel for the Respondent Nos.1 to 4: MR.V.VIJAYA RAMA RAJ

The Court made the following:

J U D G M E N T: (Per Hon'ble Sri Justice B.Sudershan Reddy)

The *ex parte* interim order passed by the learned Single Judge has worked out itself, since the respondents-writ petitioners appeared in the second semester of the II year examination held in April/May, 2004. It is precisely for that reason the learned Single Judge refused to vacate the interim order. May be, as rightly contended by the learned counsel for the appellant, the *ex parte* interim order had created an irreversible situation. It is entirely a different matter that such an *ex parte* order ought not to have been granted by the learned Single Judge directing the appellant herein to permit the respondents-writ petitioners to appear for the examination. But, for whatsoever, that order has worked out itself and at this interlocutory stage nothing further can be done.

It is needless to observe that mere appearance of the respondents-writ petitioners itself would not confer any additional right as such. The question whether the respondents-writ petitioners are entitled to appear for the examination, is required to be gone into in the writ petition and the appearance of the writ petitioners in the examination is subject to further orders to be passed in the writ petition. Writ petition deserves early hearing.

The Registry is directed to obtain suitable directions from the Hon'ble the Chief Justice and post the Writ Petition for hearing on
22-11-2004 subject to part heard cases.

The Writ Appeal shall accordingly stand dismissed without any order as to costs.

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B.SUDERSHAN REDDY, J.

Dated: 11-11-2004

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K.C.BHANU, J.

To

1. The Controller of Examination, Jawaharlal Nehru Technological University (JNTU), Kukatpally, Hyderabad.

2. 2 CD copies

3. The Principal, Mannan Institute of Science & Technology,

Aloor Village, Chevella Mandal, R.R. District.

4. The Section Officer, Writ Filing Section,

High Court of A.P., Hyderabad.